



MEETING MINUTES
Regular Meeting of the Edina Planning Commission
Wednesday, February 23, 2011, 7:00 PM
Edina City Hall Council Chambers

MEMBERS PRESENT:

Chair Mike Fischer, Jeff Carpenter, Ken Potts, Nancy Scherer, Michael Platteter, Floyd Grabel, Arlene Forrest, Matt Rock and Melisa Stefani

MEMBERS AGSENT:

Kevin Staunton, Michael Schroeder

STAFF PRESENT:

Cary Teague and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the January 23, 2011 were held over.

II. NEW BUSINESS:

Introduction of new Planning Commission Members

Chair Fischer welcomed the new Planning Commissioners; Michael Platteter and Kevin Potts.

Commissioners Platteter and Potts told the Commission they were looking forward to working with them and serving the City.

Election of Officers and adoption of by-laws

Chair Fischer referred to the proposed Planning Commission by-laws noting that the by-laws refer to the election of chair, co-chair and secretary. Fischer noted that currently and in the past planning staff assumed the role of the secretary; however, if Commissioners felt the need to elect a secretary that can be discussed.

Chair Fischer reported that according to City Ordinance the Boards/ Commission Chair serves a two year term, adding this term limit requirement also includes the Planning Commission. Continuing, Fischer stated that it came as a surprise to him that his two years as PC Chair are up, adding it's time to elect another chair and other officers.

The Commission stated that this was a surprise to them too; adding that at this time they would like to “hold off” on electing a new Chair allowing them time to consider their options. The Commission also noted they are in the process of amending the zoning ordinance and to maintain continuity it may be best to keep the current Chair in place. The Commission pointed out that during the Comprehensive Plan re-write process John Lonsbury retained the chair for a three year time period to ensure continuity. Chair Fischer acknowledged the sentiment of the Commission, and pointed out that the ordinance stipulates a two year term for the chair. Continuing, Fischer stated he was very happy with the accomplishments of the last two years (by-laws, ordinance re-write, PUD, sketch plan review), adding that at this time it’s time to elect a new chair and have the new chair bring their own ideas to the Commission. Fischer stated he would feel comfortable continuing the annual meeting to the next PC meeting. The Commission formally requested that the annual meeting adopting by-laws and electing new officer(s) be continued to the next meeting of the Planning Commission, noting that two Planning Commissioners were absent.

Motion

Commissioner Grabiell moved to continue the election of officers and adoption of by-laws to the March 23, 2011, Planning Commission Meeting. Commissioner Carpenter seconded the motion. Ayes; Potts, Scherer, Carpenter, Grabiell, Forrest, Platteter, Fischer. Motion carried.

III. NEW BUSINESS:

Zoning Ordinance Update – Discussion

Rooftop Dining

Chair Fischer summarized the Zoning Ordinance Update Committee’s (ZOUC) previous discussion on rooftop dining, adding during that discussion three options were formulated to address it; prohibit rooftop restaurants within the City, allow rooftop restaurants to continue as a permitted use or allow rooftop restaurants as a conditionally permitted use. Fischer added at the meeting the ZOUC asked staff to draft an ordinance that would allow rooftop dining as a conditionally permitted use within the PCD-2 zoning district. Fisher also added at that meeting the Committee invited City Engineer, Wayne Houle to clarify ramp parking/merchant fees and circulation in the 50th & France Avenue business area at the next meeting of the Planning Commission. Fischer concluded that Mr. Houle is present to address the parking situation at 50th & France.

Mr. Houle presented to the Commission a power point overview of the 50th & France business commercial area and the cost reimbursement for work/maintenance of the ramps, sidewalks and other public areas.

Mr. Houle explained that the 50th & France Commercial Area is governed by City Code 1215, adding 1215 focuses on two areas; Grandview and 50th and France. Houle outlined key areas of City responsibility for the 50th & France Avenue business area and merchant cost assessment:

- Cost and assessment/ 2010 \$276,552.76 @ \$0.7826 (cost assessment is based on square footage, not use).
- Types of Parking; Contract (permit), 2-hour parking, 5-hour parking and top level parking – permit or 5-hour plus
- Total public parking spaces available = 1,053
- Total public and private parking available = 1,283

Mr. Houle summarized the public parking availability:

- South ramp = 409 spaces
- Middle ramp = 338 spaces
- North ramp = 255 spaces
- 36 surface public parking spaces at the 49 ½ St. & Halifax ramp area
- 15 public parking spaces in front of the Liquor Store

Houle also noted that Lund's provides its own parking; however, patrons of Lund's can also access the public parking areas. Continuing, Houle explained when Salute moved into the area the City realized it would have to "get its arms" around the parking. Houle reported that a valet service was also implemented in the area to accommodate parking demands. Houle said a vehicle counting system is in place and the City uses the Shared Parking Model. Houle acknowledged that during peak times and seasonally parking was an issue, adding the City needs to determine how to address it. Concluding, Houle pointed out that the public ramps and surface parking spaces provide parking for not only the general public but for employees as well.

The Commission asked how the City of Minneapolis works with Edina on parking. Mr. Houle acknowledged that the 50th and France Avenue Business Association includes both Edina and Minneapolis merchants; however, Minneapolis' philosophy on parking and parking ramps is different from Edina's. Minneapolis isn't fond of ramps at least for this area. The Commission commented that it appears Edina's ramps support Minneapolis. Mr. Houle responded that he can't argue with that statement.

The Commission expressed surprise on the number of employees that park in the ramps. Mr. Houle said the City established a parking permit process and fee for employee parking, adding only Edina merchant employees can park in the ramp; Minneapolis side employees are "on their own". The Commission asked if business owners had expressed concern over employee parking. Houle responded that business owners had expressed concern over employee parking and are considering the option of shuttling employees to and from the area. The Commission asked Mr. Houle if it was determined that more parking was needed would the cost of providing the additional

parking spaces/ramp level be assessed back to the merchants. Mr. Houle responded in the affirmative.

Chair Fischer thanked Mr. Houle for his presentation.

Discussion

The Commission acknowledged that the success of 50th & France was a good problem; however, at this time the charge of the Commission was to comment on rooftop dining. The Commission discussed the difference in commercial uses; especially with parking demands pointing out that traditionally restaurant parking demands are greater than those for general retail use. Planner Teague agreed with that comment. Commissioners also noted that merchant assessments are based on square footage; not use. Planner Teague informed Commissioners that they are correct in their comments on parking demands for restaurant establishments and acknowledged that parking ratios differentiate between commercial uses.

Planner Teague briefed the Commission on the proposed rooftop dining ordinance highlighting the following points:

1. Rooftop dining must be subordinate to the principal restaurant building.
2. Rooftop dining areas that are larger than 20% in area of the square footage of the principal restaurant building must provide additional parking as required for restaurants per Section 850.08 of the City Code.
3. Hours of operation shall be limited to no later than 10:00 pm. The City Council may further restrict the hours of operation based upon the proximity of the area to residential dwelling units and upon considerations relating to the safety and welfare of residents, businesses, and other uses near the establishment.
4. The lot line of a rooftop dining establishment shall be at least 50 feet from any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city.
5. There shall be no outside speakers or audio equipment which is audible from adjacent parcels.
6. The rooftop dining area shall be handicap accessible and not restrict accessibility in other areas inside or outside the restaurant or food establishment.
7. The rooftop dining area must conform to all Fire and Building Codes.
8. The rooftop dining area shall be kept in a clean and orderly manner. No food or beverages may be stored outdoors, unless a suitable means for such storage has been reviewed and approved by the City as part of the CUP.

The Commission acknowledged the rooftop dining ordinance drafted by Planner Teague and noted that rooftop dining was seasonal; similar to sidewalk dining and questioned the reasoning sidewalk dining wasn't included in the ordinance draft. Continuing, the Commission also observed that there is a difference between sidewalk and rooftop dining. The Commission added that in their opinion Edina should encourage sidewalk dining because it enhances the quality of life and is part of the streetscape. They also acknowledged that rooftop dining by its very nature wasn't part of the streetscape. Planner Teague responded that during his study on the topic of rooftop and sidewalk dining that he found that sidewalk dining usually doesn't exceed the 20% in area of the square footage of the principal indoor restaurant area, adding a cut-off mark needed to be established. Continuing, Teague said the draft ordinance also recommends a 50-foot setback from residential properties, limited hours, amplified sound standards, rooftop bar and kitchen are prohibited, storage of materials is prohibited and the rooftop dining was limited to the PCD-2 zoning district.

In conclusion the Commission stated they understood the rationale behind the draft ordinance and its stipulated conditions; however, were troubled over the possible perceived unfairness of singling out this establishment and rooftop dining. The Commission pointed out that the current ordinance governing the PCD-2 district was amended to accommodate housing; and now that amendment has created an issue where before the amendment there was none..

Continuing, the Commission stated they felt that the 50-foot distance requirement made sense; however, suggested that the amendment should be written that "rooftop dining must maintain a 50-foot setback from all residentially zoned properties." The Commission stated to the best of their knowledge the 50th and France area is zoned PCD-2. The Commission also reiterated as previously mentioned, that the City of Edina has no degree of control over what happens on the Minneapolis side of the street; pointing out there are ample opportunities for rooftop dining directly across the street, adding that it seems odd to legislate for this one corner.

In summary the Commission asked Planner Teague to review the following:

- Amend the proposed ordinance language stipulating that rooftop dining maintain a 50-foot setback from all residentially zoned properties. It was acknowledged that the proposed language established a setback between uses within a similarly zoned district; not zones.
- Introduce screening requirements; noting flexibility; case by case.
- Revisit the noise standards and it's reference to speakers/amplified sounds – maybe include amplified sound not audible to adjacent properties
- Revisit the 20% -

Planner Teague invited all Commissioners to call or e-mail him if they had other ideas on this topic.

An Ordinance Amending the Zoning Ordinance concerning Notification Requirements for Conditional Use Permits

Planner Teague said the City Council directed staff to draft an ordinance that reduces notification distance requirements for Conditional Use Permits required for first floor elevations that exceed existing structures by more than 1-foot in the R-1 and R-2 zoning districts. The notification reduction would be from 1,000-feet to 350-feet.

The Commission asked where the 350-foot distance came from. Planner Teague responded that the 350-foot originate from the state statute distance requirements for Conditional Use Permits. Teague pointed out that Edina's 1000-foot distance notification requirement for Conditional Use Permits far exceeds the minimum distance requirements stipulated by state statute.

The Commission asked if the proposed ordinance was written only for single and double family homes. Planner Teague responded that is correct. The 350-foot notification area keeps the notification area in line with other residential requests such as variances. Teague further clarified that this ordinance does not include R-1 zoned properties such as churches, schools and public buildings, reiterating its jurisdiction was only for single and double family homes.

Motion

Commissioner Carpenter moved to recommend ordinance adoption. Commissioner Potts seconded the motion. Ayes; Potts, Carpenter, Scherer, Grabel, Forrest, Platteter, Fischer. Motion carried on roll call vote – seven ayes.

The Commission asked, as a point of clarification, if the 1-foot ordinance only pertains to water related issues. Planner Teague responded in the affirmative.

Ordinance Amendment Concerning Boards & Commissions

Chair Fischer commented that he believes the ordinance amendment on boards and commissions was already adopted and asked Planner Teague if the Council was looking for comments. Planner Teague responded that is correct. The Council would like the Commission to share their ideas on this topic or suggest changes. Teague said this topic could also be discussed at the joint work session with the Council in May.

Chair Fischer said the Planning Commission hasn't had any issues with attendance; however, paragraph B page 5 talks about attendance criteria, adding in his opinion Council work sessions could present a problem. Continuing, Fischer noted that Commission and ZBA meetings are predetermined, and Commissioners are provided

with a yearly meeting calendar. Council work sessions are not included in that calendar, reiterating that could present a problem. The Commission agreed.

The Commission also noted that depending on what happens with the ZBA that attendance; especially the joint work session(s) needs to be discussed at the joint work session in May.

IV. COMMUNITY COMMENT:

None.

V. INTERGOVERNMENTAL BUSINESS:

Chair Fischer acknowledged back of packet materials.

Chair Fischer reminded the Commission that the next ZOUC meeting is scheduled for March 9th, followed by the Planning Commission meeting on March 23rd. Fischer noted that the PC meeting on the 23rd was changed from the originally scheduled meeting on March 30th. Fischer explained this change was made to accommodate spring break.

VI. ADJOURNMENT:

.Commissioner Staunton moved adjournment at 8:38. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted